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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/964,307 | 09/26/2001 | James T. Bodner | 1662-41200 JMH (P01-3707) | 9916 |
| 22879 | 7590 | 01/23/2006 | EXAMINER | |
| HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400 | | | AILES, BENJAMIN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/964,307 | | BODNER ET AL. | |
| | Examiner | | Art Unit | |
| | Benjamin A. Ailes | | 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,11-14,18-20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,11-14,18-20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 5-7, 11-14, 18-20 and 23 remain pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 October 2005 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-7, 11-14, 18-20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Suorsa (US 2004/0226010 A1).
5. Regarding claim 1, Suorsa discloses an automatic method of configuring a server in a system including a plurality of servers, comprising:

(a) requesting configuration data by the server to be configured (p. 6, para. 0048, ll. 8-11, Suorsa discloses a server agent sending a request for configuration information.);

(b) without human intervention, determining from among a plurality of servers which of said other servers includes configuration data suitable for use by the server to be configured (p. 6, para. 0048, ll. 4-8, Suorsa discloses the server agent automatically determining where to retrieve necessary information);

(c) automatically retrieving the suitable configuration data from such other server (p. 6, para. 0048, ll. 8-11, Suorsa discloses the server agent automatically obtaining the necessary information.); and

(d) providing the retrieved configuration data to the server to be configured (p. 6, para. 0048, ll. 4-11, Suorsa discloses the configuration data being provided to the requesting server).

6. Regarding claim 5, Suorsa discloses the method wherein (a) includes providing a server type value with said request for configuration data (p. 7, para. 0054, ll. 10-14, Suorsa discloses the method of assigning a version value to the server).

7. Regarding claim 6, Suorsa discloses the method further including using said server type value to determine which of said other servers includes configuration data suitable for use by the server being configured (p. 7, para. 0054, ll. 3-7, Suorsa discloses the use of the version value in order to determine how recent the configuration data is.).

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8. Claim 7 contains similar subject matter and is rejected under the same rationale as claim 1.

9. Regarding claim 11, Suorsa discloses the use of a plurality of servers having multiple modules including configuration data saved thereto (p. 5, paras. 0041-0042).

10. Regarding claim 12, Suorsa discloses the computer system wherein said request includes the type of server to be configured and said first chassis communication module uses said type of server to retrieve configuration data suitable for the installed server (p. 7, para. 0058, Suorsa discloses the system wherein different servers being of different types and having different roles and therefore requiring different types of configuration data. The configuration data obtained and installed is based on what type of server is being configured.).

11. Regarding claim 13, Suorsa discloses the computer system wherein said first chassis communication module finds another of said first plurality of servers that is of the same type as the installed server and retrieves said configuration data corresponding to such matching other server (p. 7, para. 0059, II. 7-13, Suorsa discloses the servers being of different types and therefore requiring different types of configuration data. The server to be configured locates a similar server and obtains and installs the appropriate configuration data.).

12. Claim 14 contains similar subject matter and is rejected under the same rationale as claim 1.

13. Claim 18 contains similar subject matter and is rejected under the same rationale as claim 11.

14. Claim 19 contains similar subject matter and is rejected under the same rationale as claim 12.

15. Claim 20 contains similar subject matter and is rejected under the same rationale as claim 13.

16. Claim 23 contains similar subject matter and is rejected under the same rationale as claim 1.

Response to Arguments

17. Applicant's arguments with respect to claims 1, 5-7, 11-14, 18-20 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferguson et al. (US 2002/0083146 A1) discloses a data model for automated server configuration.

Abboud et al. (US 6,898,705 B2) discloses an automatic appliance server re-provision/re-purposing method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER
1/19/06